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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,497	11/26/2001	Arvind Srinivasan	15437-0541	1924
29989	7590	06/24/2005	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110				JACOBS, LASHONDA T
		ART UNIT		PAPER NUMBER
		2157		

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,497	SRINIVASAN ET AL.	
	Examiner	Art Unit	
	LaShonda T. Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 April 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-38 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicants' Amendment/Request for Reconsideration filed on April 14, 2005. Claims 1, 14, 19, 20, 32 and 38 have been amended. Claims 1-38 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-38 rejected under 35 U.S.C. 102(e) as being anticipated by Chao et al (hereinafter, "Chao", 6,622,159).

Claims 1, 20 and 38, Chao discloses in a computer system on which one or more applications execute, wherein in a first application configuration is defined by first application configuration information, the first application configuration providing for execution of the application. A computer-implemented method for reconfiguring the application without restarting the computer system, comprising:

- reading second application configuration information defining a reconfigured version of the application (col. 2, lines 44-50 and col. 3, lines 6-16);

- constructing a second application configuration based on the second application configuration (col. 2, lines 44-50 and col. 3, lines 6-16); and
- providing the second application configuration to an application runtime environment for servicing new requests related to the application while maintain the first application configuration for servicing, concurrently with new requests, existing requests related to the application (col. 3, lines 36-56).

As per claims 14, 19 and 32, Chao discloses in a computer system on which one or more applications execute, wherein a former application configuration is defined by a first application configuration information and a current application configuration is defined by a second application configuration information, the application configurations providing for execution of the application, a computer-implemented method for processing application service requests, comprising:

- completing processing a pending first request for an application service that is associated, via a global variable, with the former application configuration (col. 3, lines 36-56);
- receiving a second request for an application service (col. 5, lines 1-16);
- associating, via a global variable, the second request with the current application configuration (col. 5, lines 1-16);
- accessing the second application configuration information defining the current application configuration; and processing the second request according to the second application configuration information (col. 3, lines 36-56).

As per claims 2 and 21, further discloses:

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- destroying the first application configuration upon completion of all application service requests using the first application configuration, whereby computer system resources used to maintain the first application configuration are made available for other uses (col. 5, lines 7-24).

As per claims 3 and 22, Chao further discloses:

- accessing persistent session information related to an existing application user session to use for servicing new requests from the same user during the existing application (col. 5, lines 7-24).

As per claims 4 and 23, Chao further discloses:

- determining that the second application configuration successfully initialized prior to providing the second application configuration to the runtime environment for servicing new requests (col. 3, lines 36-56).

As per claims 5 and 24 and 37, Chao discloses:

- wherein the step of determining that the second application configuration successfully initialized is based on a communication from the application runtime environment (col. 3, lines 36-56).

As per claim 6, Chao further discloses:

- receiving a request to reconfigure the computer system (col. 5, lines 45-56); and
- reconfiguring the computer system in response to the request (col. 5, lines 45-56).

As per claim 7, Chao discloses:

- wherein constructing the second application configuration is further based on an application runtime environment configuration (col. 3, lines 36-56).

As per claims **8** and **27**, Chao discloses wherein the constructing the second application configuration includes:

- reading a timestamp associated with the second application configuration (col. 6, lines 27-38); and
- determining that the second application configuration information is different than the first application configuration information based on the timestamp (col. 6, lines 27-38).

As per claims **9** and **28**, Chao discloses wherein constructing the second application configuration includes:

- reading a timestamp associated with a class file referenced in the second application configuration information (col. 6, lines 27-38);
- determining that the class file has changed based on the timestamp (col. 5, lines 7-24 and col. 6, lines 27-38); and
- constructing the second application configuration, at least in part, according to the changed class file (col. 5, lines 7-24 and col. 6, lines 27-38).

As per claim **10**, Chao discloses:

- logging one or more messages related to providing the second application configuration to the computer system (col. 5, lines 25-32).

As per claims **11** and **30**, Chao discloses wherein providing the second application configuration information comprises:

- updating a current configuration reference to reference the second application configuration rather than the first application configuration (col. 3, lines 36-56).

As per claims **12** and **31**, Chao discloses:

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- wherein updating the current configuration reference is performed atomically (col. 3, lines 36-56).

As per claim 13, Chao discloses:

- wherein the first application configuration is maintained for servicing, without interruption, existing request related to the application from an existing connection (col. 3, lines 36-56).

As per claims 15 and 33, Chao discloses:

- wherein the pending the first request and the second request originate from the same user session, and wherein completing processing the pending first request and processing the second request are performed without restarting the computer system (col. 3, lines 36-56).

As per claims 16 and 34, Chao further discloses:

- determining whether the first application configuration information is referenced by at least one pending process (col. 3, lines 36-56); and
- deleting the first application configuration information from the computer system in response to determining that the first application configuration information is not referenced by at least one pending process (col. 5, lines 7-24).

As per claims 17 and 35, Chao discloses:

- wherein the first application configuration information occupies one or more blocks of memory and wherein deleting the first application configuration comprises releasing the one or more blocks of memory (col. 5, lines 7-24).

As per claims **18** and **36**, Chao discloses wherein determining whether the first application configuration information is referenced by at least one pending process comprising:

- determining whether a reference count is equal to a predetermined value indication that no processes are referencing the first application configuration information (col. 3, lines 36-56).

Response to Arguments

3. Applicant's arguments with respect to claims **1-38** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,154,878 to Saboff

U.S. Pat. No. 6,009,274 to Fletcher et al

U.S. Pat. No. 6,185,734 to Saboff et al

U.S. Pat. No. 6,871,344 to Grier et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
June 20, 2005



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECH